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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/730,525
Applicant	:	Agapios Agapiou, et al.
Filed	:	December 8, 2003
TC/A.U.	:	1755
Examiner	:	James W. Pasterczyk
Docket No.	:	2003U049.US
Customer No.	:	25959
Date	:	May 24, 2006

Confirmation No. 4271

Commissioner for Patents
Mail Stop RCE
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132

Sir:

I, Agapios K. Agapiou, declare as follows:

I am a co-inventor of the description and all the claimed subject matter in the above referenced patent application.

Previous Declarations dated December 9, 2005 and February 15, 2006, contained data intended to show that average particle size (APS) of silica support had a positive effect on catalyst activity and such a showing was unexpected. The data did indeed show these positive effects. In subsequent actions, the Examiner stated that because the data was derived from di-chloride based catalysts, rather than the di-fluoride of the claims, that the data did not place the claims in condition for allowance.

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Declaration dated: May 24, 2006
Reply to Office Action of March 13, 2006

The attached data include four different polymerization runs, with a difluoride catalyst using both relatively large (55μ) and relatively small (25μ) support/silica Note: the increase in activity (from 2545 to 3240) between a 55μ APS silica and a 25μ APS silica of 27% for polymerization runs 41 and 43 is clearly unexpected. Also of note is the increase in activity from 4470 5460 for the runs numbered 148 and 149, an increase of 22% pf the relatively small APS over the activity of the relativoly large APS, again unexpected. In fact, as a result of this finding, the catalyst of the invention was developed on the smaller average particle size silica using the di-fluoro-metallocene.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or an patent issuing there from.

Respectfully submitted.

May 24th 2006
Date

Agapios K. Agapiou

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Catalyst Run#	Metallocene	Silica APS	Polym. Run#	Yield/gl	Productivity	mmole MAO g SiO2	mmole MCN g SiO2
127-1	A	55 micron	41	170	2545	6.4*	0.063
127-2	A	25 micron	43	216	3240	6.4*	0.063
148-1	A	55 micron	148	149	4470	6.4 f	0.063
148-2	A	25 micron	149	182	5460	6.4 f	0.063

Productivity = gPE/gCat.h, APS= Average Particle Size

*Aged MAO
f = fresh, un-aged MAO

A= bis(1,3-methyl-n-butylcyclopentadienyl) zirconium difluoride
the polymerizations (slurry) were run as in all the polymerizations in the original application, see pages 43-44, paragraph 103

AKA, 05/09/2006

5/30/2006